IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1357 of 2005

Between:

V. Subba Rao, s/o Veera Raju,
O/o Regional Transport Officer, Gandhipuram,

Rajahmundry, East Godavari District.

..... PETITIONER

AND

1 The Deputy Transport Commissioner, East Godavari District, Kakinada.
2 The Transport Commissioner, Andhra Pradesh, Hyderabad.
3 The Government of Andhra Pradesh, rep., by its Principal Secretary,

Transport Department, Secretariat, Hyderabad.
4 The Deputy Superintendent of Police, Anti Corruption Bureau,

Rajahmundry, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ more in the nature of a *Writ of Certiorari* calling for the records pertaining to O.A.No.171/2004 dated 7th January, 2005 and quash the same holding that the judgment rendered by the A.P. Administrative Tribunal is without properly taking into consideration the true facts, the legal preposition and as well as the rulings of this Hon'ble High Court and consequently set aside the proceedings of the Deputy Transport Commissioner, East Godavari District in his Rc.No.11244/B1/2003, dated 10-12-2003.

Counsel for the Petitioner: MR.CH.SAMSON BABU
Counsel for the Respondents: GP FOR SERVICES II

The Court at the admission stage made the following:

ORDER: (per GBJ)

The writ petition is filed challenging the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.171 of 2004 on 07.01.2005.

2. The petitioner was working as Senior Assistant in the Regional Transport Office, Gandhipuram, Rajahmundry. While so, he was placed under suspension vide proceedings No.11244/B1/2003, dated 10.12.2003 on the ground that he possessed disproportionate assets to the known source of his income. The alleged suspension came to be challenged in the above O.A. The tribunal has dismissed the O.A. by an order dated 07.01.2005. Aggrieved by the said order, the writ petition is filed.

3. The learned counsel for the petitioner submits that in case of suspension on the ground that assets disproportionate to the known sources of his income, the Government themselves issued guidelines to the effect that the suspension could not be resorted to unless there is a recommendation from the ACB authorities, and however, the Tribunal observed that ACB has recommended the suspension without there being any record. The learned counsel would submit that such a finding is not sustainable. But, in order to satisfy ourselves as to whether in fact whether there is such recommendation from the ACB authorities was made, we directed the learned Government Pleader to obtain instructions from the ACB.

4. The learned Government Pleader for Services II today produced before this Court the communication vide Letter No.C.No.243/RCA-REG/2003, dated 19.02.2005 addressed by the Transport Commissioner, in which it has been clearly stated that automex message in Cr.No.12/RCA-RJY/2003, dated 08.11.2003 was issued recommending the suspension of the employee.

5 . Under those circumstances, we do not find any illegality in the order of the suspension. But, however, we observed that he was suspended on 10.12.2003 and so far the investigation is still under progress. In such a situation, it is appropriate for the Government to consider as to whether suspension should be continued or raised subject to certain conditions for posting of the petitioner to non-focal post or far away place, so as to disable him to interfere with the investigation process.

6. Accordingly, we dispose of the writ petition directing the Government to review the order of suspension as directed the Tribunal, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

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(G. BIKSHAPATHY, J)

Date: 25.02.2005

Ksn

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(P.S. NARAYANA, J)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Transport Commissioner, East Godavari District, Kakinada.
2 The Transport Commissioner, Andhra Pradesh, Hyderabad.
3 The Principal Secretary, Government of Andhra Pradesh,

Transport Department, Secretariat, Hyderabad.

4 The Deputy Superintendent of Police, Anti Corruption Bureau, Rajahmundry, E.G.District.

5. Two C. Cs to G.P. for Services II, High Court Buildings, Hyderabad (OUT).

6 2 CD copies

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